IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.34 OF 2006
WITH
CIVIL APPLICATION NO. 3 OF 2006

M/s. Pie Comm. ..Appellant.

V/s.

The Union of India & Ors. ..Respondents.

Mr.Y.R.Mishra with Mrs. Soma Singh & D.A.Dubey i/b Sarkar for respondents.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 17, 2006.

P.C. :

1. None appears for the appellant.

2. With the assistance of counsel for the respondents I have perused the relevant material on record. I see no infirmity in the conclusion reached by the court below especially mentioned in paragraph 5 of the impugned decision. The view taken therein is correct approach adopted by the court below. It does not require any interference. The lower court has rightly observed that even if appellant was to suffer loss that can be compensated in terms of money because loss can be calculated in terms of compensation. The court below has rightly adverted to the fact that the plaintiff was fully aware about

the tenders invited by the defendant but did not participate in the proceedings which was his conscious decision. Suffice it to observe that the impugned order rightly takes note of the contents of the letter dated 23rd September, 2005, which prima facie seems to be a letter of termination of contract. Accordingly, appeal is devoid of merits. Hence, dismissed.

3. In view of this order, civil application is also disposed of.